

## **REMARKS**

Claims 1-11 and 21-26 were pending in the application. Claims 1-6, 8-11, 21, and 24 have been rejected. Claims 22 and 25-26 have been allowed. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 21 has been amended and claim 23 has been cancelled by way of this communication. Claims 1-11 and 21, 22, and 24-26 therefore remain pending in the application.

Reconsideration and withdrawal of the rejections are hereby respectfully solicited in view of the foregoing amendments and the following remarks.

### **I. Claim Rejections - 35 U.S.C. §103**

Claims 1-6, 8-11, 21, 23, and 24 have been rejected as being unpatentable over Takahashi et al. U.S. Patent No. 4,953,887 (Takahashi) in view of Hartenstine et al. U.S. Patent No. 6,487,327 (Hartenstine).

#### **Claims 1-6, 8-11, and 24**

The Office Action cites Takahashi as teaching a baby carriage comprising a basket 72 having a latch or a stopper 8. According to the Office Action, the latch includes a flange-shaped engagement portion 81. The Office Action recognizes that Takahashi fails to show a latch mount.

The Office Action therefore cites Hartenstine as disclosing a stroller frame, a basket frame 52 including a pair of arms 52R, 52L mounted to the stroller frame and a rear cross member 52C extending between the pair of arms. Further, the Action cites a latch mount coupled to the rear cross member, and a basket 5 mounted to move relative to the basket frame.

The Office Action states that it would have been obvious to modify the basket of Takahashi to include the latch taught by Hartenstine so that the basket could releasably engage the latch mount, thereby allowing the basket to move between a closed position and an open position relative to the basket frame.

Applicant respectfully disagrees on several grounds.

First, Takahashi's basket is already capable of moving between a closed position and an open position relative to the frame without the structure cited as Hartenstine's "latch mount" (see, e.g., Takahashi Figs. 1 and 2). Specifically, Takahashi discloses a basket frame 71 that supports a bag or basket 72. A stopper 8 is disposed at the base of the bag 72. The stopper 8 includes a U-shaped handling portion (or mounting portion) 82 and a projection 81. A step plate 9 is disclosed at the base of the carriage, and includes an engagement hole 91. During operation, the bag can be maintained in the open configuration by fitting the projection 81 into the engagement hole 91. The bag can be closed by removing the projection 81 from the engagement hole 91, and mounting the handling portion 82 onto the crossbar of the basket frame. The handling portion 82 is thus mountable onto the crossbar of the basket frame without employing a latch. Given that incorporating Hartenstine's basket "latch mount" into Takahashi would not enhance functionality of Takahashi for its intended purpose (and in fact would result in adding extra unnecessary parts to Takahashi's teachings), one skilled in the art would not be motivated to combine the teachings of Hartenstine into Takahashi.

Second, while the Office Action alleges that incorporating Hartenstine into Takahashi would allow Takahashi's basket to move between an open and closed position (something Takahashi accomplishes without combining with Hartenstine), Applicant has found no teaching in Hartenstine that Hartenstine's basket is capable of moving between an open and closed position. The only teaching Applicant found within Hartenstine of relative movement between the basket and the frame is when the frame is collapsed for storage (see Col. 7, line 65 – Col. 8, line 49). Hartenstine does not, however, disclose articulating the basket between an open and a closed position relative to the frame in the manner recited in claim 1. Takahashi teaches away from the relative movement disclosed in Hartenstine because Takahashi's basket is movable between an open and a closed position while maintaining the baby carriage in an operating position. Incorporating Hartenstine into Takahashi would render Takahashi unsuitable for its intended purpose of moving the basket between open and closed positions while the baby carriage remains operational.

Third, Applicant notes that the "latch mount" of Hartenstine that was cited in the Office Action is not, in fact, a latch mount. To begin, Applicant has not identified any teaching or suggestion in Hartenstine that supports the structure identified in the Office Action as being a latch mount. In fact, the Office Action has not identified any latch taught in Hartenstine that is

configured to connect with the structure that the Office Action calls a latch mount. Applicant therefore believes that the Office Action is referring to the structure as a latch mount based on the location of the structure on Hartenstine's frame. However, as noted above, Hartenstine fails to teach or suggest that the identified structure is indeed a latch mount either in structure or in function.

Fourth, Takahashi teaches away from modification by combining Hartenstine's "latch mount" into the Takahashi disclosure. Specifically, Hartenstine teaches a structure (identified in the Office Action as a latch mount) mounted onto the rear portion of the frame. Takahashi, however, discloses that the handling portion 82 has a U-shaped profile that is adapted to be mounted on and engaged with a rear edge portion of the frame member 71 (See Takahashi, Col. 4, lines 56-60). Accordingly, Takahashi teaches away from mounting the handling portion onto Hartenstine's "latch mount" because the "latch mount" is not a rear edge portion of the Hartenstine's frame member, but rather is a structure that is mounted onto the frame member. Moreover, Fig. 1 of Hartenstine clearly illustrates the "latch mount" as a protrusion from the cylindrical cross member 52C. The protrusion has a shape that would not be amenable to mounting a member having a U-shaped channel, and as a result, Takahashi's U-shaped handling portion 82 would not adequately (if at all) engage the Hartenstine's "latch mount" when closing the bag 72. As noted above, Takahashi's U-shaped handling portion 82 is specifically configured to mount onto the round cross member of the frame, and not onto a differently shaped protrusion from the cross member. For this second reason, independent claims 1 and 24 are patentable over the cited prior art. Because Takahashi teaches away from Hartenstine, claims 1 and 24 are patentable over the cited prior art.

Fifth, while the shape of the outer surface of Hartenstine's "latch mount" could conceivably be modified to provide a surface that reliably engages the U-shaped handling portion 82 of the stopper 8, such modification is not taught or suggested in the prior art. Furthermore, one having ordinary skill in the art would not be motivated to modify the latch mount. Rather, the teachings of the prior art references would motivate the skilled artisan to remove the "latch mount" from Hartenstine's cross member altogether so that the U-shaped handling portion 82 would mount directly to the cross member in the manner described in Takahashi. Such a system, however, would fail to teach or suggest a latch mount directly mounted on the rear cross member, as recited in claims 1 and 24.

For at least the above reasons, the cited prior art fails to render independent claims 1 and 24 obvious, and Applicant asserts that independent claims 1 and 24 are patentable over the cited prior art. Applicant further cites the patentability of independent claim 1 as providing sufficient basis for the allowability of corresponding dependent claims 2-11. Withdrawal of the rejection of claims 1-11 and 24 is therefore respectfully requested.

## **II. Claim Rejections - 35 U.S.C. §102(e)**

Claim 21 is rejected as being anticipated by Turner U.S. Patent Application No. 2002/0109321 (Turner). Though not argued herein, the applicants reserve the right to swear behind any properly cited 102(e) references.

Claim 21 has been amended in a manner intended to incorporate all limitations of claim 23, which has been cancelled. Claim 23 was indicated to contain allowable subject matter over the prior art. Accordingly, withdrawal of the rejection of claim 21 is respectfully requested.

## **III. Allowable Subject Matter**

Applicant notes with appreciation that claim 22, and 25-26 have been allowed, and that claim 23 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

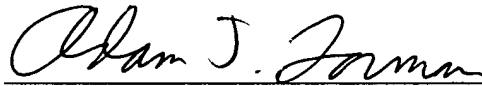
Claim 23 has been cancelled, and its subject matter incorporated into claim 21. Formal allowance of claims 21-22 and 25-26 is respectfully requested.

#### IV. Conclusion

The pending claims are believed to be in condition for allowance. Entry and consideration of this paper, and allowance of the claims, are respectfully solicited. No fees are believed to be due for the filing of this communication. If any fees are deemed due, the Commissioner is hereby authorized to withdraw said fees from Deposit Account No. 50-3866.

The Examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

Respectfully submitted,



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March 19, 2007